

REMARKS

The following remarks are offered in complete response to the Official Action/Restriction Requirement dated November 7, 2007.

Claims 1-33 and 52-69 are pending in this application.

Claims 45-51 were previously cancelled. Claims 34-42 have been cancelled in this amendment. Applicants reserve the right to file divisional applications directed toward the cancelled claims based on the restriction requirement.

Claims 1, 2 and 13 have been amended to recite numerical values in American style format rather than European style format. Claims 18, 19 and 21 have been amended to recite proper claim language. Claims 29 and 31 have been amended to add a comma to place the claim in proper claim language. Claim 62 has been amended to depend from claim 1. Claim 62 previously depended from cancelled claim 38, which depended from cancelled claim 34, which depended from claim 1. No new matter has been added in making these amendments.

Restriction has been required between:

Group I, Claims 1-33, 43, 44 and 52-57, drawn to a lipid based nanocapsule composition of matter;

Group II, claims 34-42, drawn to a method of manufacturing said composition, and

Group III, Claims 58-69, drawn to a method of using said composition.

Applicants have also been required to elect a single species for various elected claims.

Applicants hereby elect Group I, Claims 1-33, 43, 44 and 52-57. Applicants hereby elect the following species:

- a. lipophilic surfactant: lecithin - at least claims 1-4, 7-33 and 52-69 are readable on the elected species.
- b. concentration of lipophilic surfactant: 5 - 30% of molecules making up the outer lipid envelope - at least claims 1-33 and 52-69 are readable on the elected species.
- c. amphiphilic derivative: combination of anchored hydrophobic and hydrophilic components - at least claims 1-11, 15-33 and 52-69 are readable on the elected species.
- d. active principle: lipophilic anticancer active principle - at least claims 1, 27-31, 58-61, 63, 64 and 66-69 are readable on the elected species.

Claims 34-42, Group II, drawn to a method of manufacturing the composition have been cancelled, rendering an election of species for the cited method claims moot.

Applicants gratefully acknowledge the Examiner's indication that the process claims may be eligible for rejoinder upon the determination that product claims are allowable, provided the conditions outlined on pages 6 and 7 of the Office Action are met.

Applicants note that page 7 of the Office Action contains information regarding various proposed rules that were scheduled to go into effect on November 1, 2007. Applicants believe the Office Action, issued November 7, 2007 inadvertently included this paragraph, which is not longer relevant because the United States District Court for the Eastern District Court of Virginia issued a Preliminary Injunction on October 31, 2007, enjoining the USPTO from implementing the changes in the Claims and Continuations Final Rule and therefore the changes to the rules of practice in the Claims and Continuations Final Rule, did not go into effect on November 1, 2007.

The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: January 7, 2007

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